

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. _____
v. : DATE FILED _____
THEOPHILUS BERRY : VIOLATIONS: 18 U.S.C. §§ 922(g)(1) (Felon in
possession of a firearm and/or
ammunition- 1 count)
: 18 U.S.C. §§ 922(g)(1) (Felon in
possession of ammunition - 1 count)
: Notice of Forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about December 30, 2002, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

THEOPHILUS BERRY,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by
imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate
commerce, a firearm, that is, a Glock model 23, .40 Smith & Wesson semiautomatic handgun,
loaded with 10 live rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 30, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

THEOPHILUS BERRY,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce, ammunition, that is, numerous .22 caliber live ammunition and one live rifle round of unknown caliber.

NOTICE OF FORFEITURE

As a result of the violations of Title 18, United States Code, Section 922(g)(1), as set forth in Count One and Two of this Indictment, the defendant

THEOPHILUS BERRY

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), the firearm and ammunition involved in the commission of these offenses, including, but not limited to:

- (1) One model 23, .40 Smith & Wesson semiautomatic handgun;
- (2) Ten rounds of ammunition; and
- (3) Numerous rounds of .22 caliber ammunition and one round of rifle ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

for 
PATRICK L. MEEHAN
UNITED STATES ATTORNEY

First Assistant U.S. Attorney